

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

Case No. CV 23-09413-MWF (MARx)

Date: April 10, 2025

Title: Cindy Ysabel Aguilar v. Costco Wholesale Corporation et al.

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:
Rita Sanchez

Court Reporter:
Not Reported

Attorneys Present for Plaintiff:
None Present

Attorneys Present for Defendants:
None Present

Proceedings (In Chambers):

**ORDER GRANTING PLAINTIFF’S MOTION
TO REMAND [47]**

Before the Court is a Motion to Remand (the “Motion”), filed by Plaintiff Cindy Ysabel Aguilar on March 11, 2025. (Docket No. 47). No Opposition or Reply was filed.

The Motion was noticed to be heard on **April 14, 2025**. The Court read and considered the papers on the Motion and deemed the matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78(b); Local Rule 7-15. The hearing was therefore **VACATED** and removed from the Court’s calendar.

Defendants’ failure to file an Opposition is a sufficient reason to grant the Motion. *See* Local Rule 7-12 (“The failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion.”); *Ewing v. Ruano*, No. CV 09-08471-VAP (ANx), at *1 (C.D. Cal. June 12, 2012) (“As noted, Plaintiff failed to oppose the defendants’ motion to dismiss by the deadline established in the Local Rules. Accordingly, pursuant to Local Rule 7-12, the Court finds good cause for granting the defendants’ unopposed motion to dismiss.”).

On the merits, it is also appropriate to grant the Motion. As Plaintiff argues, the Court issued an order on January 31, 2025 which permitted Plaintiff to amend the Complaint to add Mariana Peres, a non-diverse Defendant. (Docket No. 38). The parties stipulated to allow Plaintiff to amend her Complaint in that fashion, likely explaining Defendants’ lack of opposition to the Motion. (Docket No. 37). Because

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Aguilar and the newly named Defendant, Peres, are both California residents, complete diversity does not exist, and the Court no longer has diversity jurisdiction over the matter. (See Motion at 3 (setting out that Peres is a resident of Hermosa Beach, California and Plaintiff is a resident of California); *Murphy v. Am. Gen. Life Ins. Co.*, 74 F. Supp. 3d 1267, 1278 (C.D. Cal. 2015) (finding that, if a court permits joinder of a non-diverse defendant after removal, the case must be remanded to state court)).

Again, Defendants offer no response to the Motion, and are likely to agree with the content of the Motion given the stipulation allowing Plaintiff to amend her Complaint.

Accordingly, the Motion is **GRANTED** and the action is **REMANDED** to Los Angeles County Superior Court.

IT IS SO ORDERED.